

FIRST REGULAR SESSION

# SENATE BILL NO. 705

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MAYER.

Read 1st time March 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal section 44.100, RSMo, section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular session, and to enact in lieu thereof three new sections relating to emergency management.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 44.100, RSMo, section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular session, are repealed and three new sections enacted in lieu thereof, to be known as sections 44.045, 44.100, and 44.105, to read as follows:

[44.045. 1. Subject to approval by the state emergency management agency during an emergency declared by the governor or general assembly, any health care professional licensed, registered, or certified in this state may be deployed to provide care as necessitated by the emergency, including care necessitated by mutual aid agreements between political subdivisions and other public and private entities under section 44.090.

2. In a declared state of emergency, the department of

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

9 health and senior services and the division of professional  
10 registration within the department of economic development may  
11 release otherwise confidential contact and licensure, registration,  
12 or certification information relating to health care professionals to  
13 state, local, and private agencies to facilitate deployment.]

44.045. 1. Subject to approval by the state emergency management  
2 agency during an emergency declared by the governor or state legislature, any  
3 health care professional **or organization, whether paid or volunteer,**  
4 **pursuant to the request of the state government or any political**  
5 **subdivision of the state that provides health care or other health-**  
6 **related services in an emergency, including but not limited to**  
7 **physicians, physicians assistants, registered and other nurses, certified**  
8 **nursing assistants, or other staff within a health care provider**  
9 **organization, pharmacists, chiropractors, dentists, emergency medical**  
10 **technicians, members of a specialized medical response unit, laboratory**  
11 **technicians, morticians, mental health professionals, licensed**  
12 **professional counselors, licensed psychologists, licensed social workers,**  
13 **hospitals, nursing and boarding care facilities, home health agencies,**  
14 **other long-term care providers, medical and dental clinics, medical**  
15 **laboratories, and ambulance service personnel, dispatch services, and**  
16 **persons not registered as emergency medical technicians but who are**  
17 **affiliated with a medical response unit and dispatched to the scene of**  
18 **an emergency or licensed ambulance services, licensed, registered, or**  
19 certified in this state [who volunteers to be so deployed] **or any state may [be**  
20 deployed to] provide care as necessitated by the emergency, **including care**  
21 **necessitated by mutual aid agreements between political subdivisions**  
22 **and other public and private entities under section 44.090. During an**  
23 **emergency, health care professionals and organizations shall not be**  
24 **liable for any civil damages or administrative sanctions for acts or**  
25 **omissions, or the failure to exercise the skill and learning of an**  
26 **ordinary careful health care provider in similar circumstances, other**  
27 **than damages due to acts of malice in rendering such care.**

28 2. In a declared state of emergency, the department of health and senior  
29 services or the division of professional registration within the department of  
30 [economic development] **insurance, financial and professional regulation**  
31 may release otherwise confidential contact and licensure, registration, or

32 certification information relating to health care professionals to state, local, and  
33 private agencies to facilitate deployment.

44.100. 1. The emergency powers of the governor shall be as follows:

2 (1) The provisions of this section shall be operative only during the  
3 existence of a state of emergency (referred to in this section as "emergency"). The  
4 existence of an emergency may be proclaimed by the governor or by resolution of  
5 the legislature, if the governor in his proclamation, or the legislature in its  
6 resolution, finds that a natural or man-made disaster of major proportions has  
7 actually occurred within this state, and that the safety and welfare of the  
8 inhabitants of this state require an invocation of the provisions of this section.

9 (2) Any emergency, whether proclaimed by the governor or by the  
10 legislature, shall terminate upon the proclamation thereof by the governor, or the  
11 passage by the legislature, of a resolution terminating such emergency.

12 (3) During the period that the state of emergency exists or continues, the  
13 governor shall:

14 (a) Enforce and put into operation all plans, rules and regulations relating  
15 to disasters and emergency management of resources adopted under this law and  
16 to assume direct operational control of all emergency forces and volunteers in the  
17 state;

18 (b) Take action and give directions to state and local law enforcement  
19 officers and agencies as may be reasonable and necessary for the purpose of  
20 securing compliance with the provisions of this law and with the orders, rules and  
21 regulations made pursuant thereof;

22 (c) Seize, take or requisition to the extent necessary to bring about the  
23 most effective protection of the public:

24 a. Any means of transportation, other than railroads and railroad  
25 equipment and fuel, and all fuel necessary for the propulsion thereof;

26 b. Any communication system or part thereof necessary to the prompt and  
27 efficient functioning of the emergency management of the state;

28 c. All stocks of fuel;

29 d. Facilities for housing, feeding and hospitalization of persons, including  
30 buildings and plants;

31 (d) Control, restrict and regulate by rationing, freezing, use of quotas,  
32 prohibitions on shipments, price fixing, allocation or other means the use, sale or  
33 distribution of food, feed, fuel, clothing and other commodities, materials, goods  
34 or services;

35 (e) Prescribe and direct activities in connection with but not limited to  
36 use, conservation, salvage and prevention of waste of materials, services and  
37 facilities, including production, transportation, power and communication  
38 facilities, training and supply of labor, utilization of industrial plants, health and  
39 medical care, nutrition, housing, including the use of existing and private  
40 facilities, rehabilitation, education, welfare, child care, recreation, consumer  
41 protection and other essential civil needs;

42 (f) To use or distribute all or any of this property among the inhabitants  
43 of the state in any area adversely affected by a natural or man-made disaster and  
44 to account to the state treasurer for any funds received thereof;

45 (g) To waive or suspend the operation of any statutory requirement or  
46 administrative rule regarding the licensing, certification or issuance of permits  
47 evidencing professional, mechanical or other skills;

48 **(h) To waive or suspend the operation of any statutory**  
49 **requirement or administrative rule prescribing procedures for**  
50 **conducting state business, where strict compliance with such**  
51 **requirements and rules would prevent, hinder, or delay necessary**  
52 **action by the department of health and senior services to respond to a**  
53 **declared emergency or increased health threat to the population;**

54 (i) In accordance with rules or regulations, to provide that all law  
55 enforcement authorities and other emergency response workers and agencies of  
56 other states who may be within this state at the request of the governor or  
57 pursuant to state or local mutual-aid agreements or compacts shall have the same  
58 authority and possess the same powers, duties, rights, privileges and immunities  
59 as are possessed by like law enforcement authorities and emergency response  
60 workers and agencies of this state;

61 **[(i)] (j)** To perform and exercise such other functions, powers and duties  
62 as may be necessary to promote and secure the safety and protection of the  
63 civilian population.

64 2. When any property is seized, taken or requisitioned under this section,  
65 the circuit court of the county in which the property was taken may on the  
66 application of the owner thereof or on the application of the governor in cases  
67 where numerous claims may be filed, appoint three disinterested commissioners  
68 in the manner provided by section 523.040, RSMo, to assess the damages which  
69 the owners may have sustained by reason of the appropriation thereof. Upon the  
70 application the amount due because of the seizure of property shall be determined

71 in the manner provided in chapter 523, RSMo, for the determination of damages  
72 in case of the exercise of the power of eminent domain.

44.105. 1. In a declared state of emergency, the department of  
2 health and senior services may suspend any provision of chapters 195  
3 and 334, RSMo, pertaining to dispensing medications. Persons who  
4 dispense medications under this section shall be trained by the  
5 department of health and senior services and shall dispense  
6 medications under the supervision of a licensed health care provider  
7 according to the Strategic National Stockpile Plan.

8 2. The department may develop effective citizen involvement to  
9 recruit, train, and accept the services of volunteers to supplement the  
10 programs administered by the department in dispensing medications  
11 to the population in the event of an emergency.

12 3. Volunteers recruited, trained, and accepted by the department  
13 shall comply with the Strategic National Stockpile Plan in dispensing  
14 medications.

15 4. The department may:

16 (1) Provide staff as deemed necessary for the effective  
17 management and development of volunteer dispensing sites deployed  
18 in response to a governor-declared emergency;

19 (2) Provide or assure access to professional staff as deemed  
20 necessary for the effective training and oversight of volunteers;

21 (3) Develop and provide to all volunteers written rules governing  
22 the job descriptions, recruitment, screening, training responsibility,  
23 utilization, and supervision of volunteers; and

24 (4) Educate volunteers to ensure that they understand their  
25 duties and responsibilities.

26 5. Non-health care professional volunteers, whose liability is not  
27 otherwise protected by section 44.045 shall be deemed unpaid  
28 employees and shall be accorded the protection of the legal expense  
29 fund and other provisions of section 105.711, RSMo.

30 6. As used in this section, "volunteer" means any person who, of  
31 his or her own free will, performs any assigned duties for the  
32 department of health and senior services with no monetary or material  
33 compensation.